

## **Air Quality Major Open Burning Permit**

Issued To: US Fish & Wildlife Service  
5765 West Broadway  
Missoula, MT 59808  
(406) 329-4749

Permit #: SM-0008  
Permit Application Received: 01/04/06  
Department Decision on Application: 01/25/06  
Permit Final: 02/10/06  
Expiration Date: 02/09/07

An air quality major open burning (MOB) permit is hereby granted to the US Fish & Wildlife Service (USFWS), pursuant to the Administrative Rules of Montana (ARM) 17.8.610 as amended, for the following:

### **Section I: Permitted Source(s)**

The USFWS is permitted to “open burn” those sites throughout Montana that have been or will be submitted to the monitoring unit of the Montana/Idaho Smoke Management Group as “proposed burns” as part of the MOB permit application. All burning must be done in accordance with this permit or with the conditions of any permit granted by a county with its own air quality program (Missoula County, Flathead County, Lincoln County), depending on the time of year and location of the burn. This permit is not valid in Yellowstone County.

### **Section II: Limitations and Conditions**

#### **A. Emission Limitations and Control Requirements**

1. The USFWS may only burn vegetative matter, or animal and soil materials comprising any forest or range environment. The USFWS may not burn prohibited materials as listed in ARM 17.8.604 (ARM 17.8.610).
2. The USFWS shall only conduct that prescribed wildland burning necessary for the conduct of accepted forest and range practices including, but not limited to, hazard reduction, site preparation for regeneration, range improvement, and wildlife habitat improvement (ARM 17.8.610).
3. The USFWS shall notify the fire control authority having jurisdiction in the area of a burn prior to ignition. An additional permit may be required from the appropriate fire control authority (ARM 17.8.610).
4. The USFWS shall have adequate fire control available at all times (ARM 17.8.610).
5. All burning conducted under this permit shall be done in a manner such that no public nuisance is created (ARM 17.8.610).
6. The USFWS shall only burn during periods of good or excellent ventilation. During the general open burning season, March 1 through August 31, this decision is generally left up to the burner. Consideration should be given to the atmospheric conditions to ensure that smoke and particulate from the fire are dispersed in a manner that is not offensive to anyone downwind. The Department of Environmental Quality (Department) will use the Smoke Management Ventilation Hotline (1-800-225-6779) during this time period to inform open burners of air quality open burning restrictions imposed by the Department (ARM 17.8.610).

7. During the period of September 1 through November 30, prescribed burning shall take place during periods of good or excellent ventilation as forecast by the Monitoring Unit of the Montana/Idaho Inter-State Airshed Group. The forecasts can be obtained by calling toll free (1-800-225-6779) or via the Internet at [www.smokemu.org](http://www.smokemu.org) (ARM 17.8.610).
8. During the period of December 1 to February 28, prescribed wildland open burning may be done by Montana members of the Montana/Idaho Inter-State Airshed Group (in areas other than Impact Zones L and M) if the following conditions are met and approval is granted by the Department or the regulating county air quality program.
  - a. All wintertime open burning shall be conducted as specified in the Montana/Idaho State Airshed Group Operating Guide. In particular, the wintertime open burning shall follow the guidance provided in the section entitled "Essential Winter Burning by Members of the Montana Airshed Unit."
  - b. Proposed wintertime burn lists must be submitted to the Monitoring Unit by November 1 and forwarded to the Department by December 1. These lists shall be submitted to the Department in the same format as the fall burn lists. The lists may be updated as conditions change.
  - c. Each member organization shall be responsible for scheduling its own burns. Ignition must occur during periods of good or excellent ventilation conditions. The ventilation forecasts may be obtained from the Department, the National Weather Service offices, or the meteorologist for the Montana/Idaho Inter-State Airshed Group.
  - d. The Department may prohibit any wintertime burning if ambient particulate levels or meteorological conditions warrant.
9. Wintertime open burning requests by all burners will be reviewed by the Department on a case-by-case basis (ARM 17.8.610).
10. The prescribed burning shall be in compliance with the requirements of ARM Title 17, Chapter 8, Subchapter 6. Failure to follow the procedures and requirements of ARM 17.8, Subchapter 6, shall be grounds for revocation of this permit and possible enforcement action under the Clean Air Act of Montana (ARM 17.8.610).
11. No open burning is to be conducted within the city limits of any city in the state of Montana (ARM 17.8.610).
12. The USFWS shall supply the Department with the date of the proposed burn, burn number, location and total area to be burned, elevation of each site of burning, method of burning to be used, and the average fuel loading or total tons of fuel to be disposed of at each site. The USFWS shall maintain a record of this information for 3 years and submit the records to the Department upon request (ARM 17.8.610).
13. An annual report containing completed burn information for January 1 to December 31 of 2005 must be submitted to the Department by February 15, 2006. The report shall contain the following information: date of the burn, burn number, location and total area burned, elevation of each site burned, method of

burning used, and total tons (or tons per acre) of fuel disposed of at each site (ARM 17.8.610).

14. All burns conducted by the USFWS, including Wildland fire use burns (WFUs), are subject to Best Available Control Technology (BACT). However, WFUs need not be reported as completed burns in the annual report (Section II.A.14) because WFUs are not included in the smoke management annual fee calculations (ARM 17.8.610).
15. The USFWS shall notify the Department and the Smoke Monitoring Unit of WFUs within 72 hours after the completion of a Stage II WFU analysis (ARM 17.8.610).
16. Upon request from the Department, the USFWS shall provide the Department with maps showing predefined geographic areas for WFUs (ARM 17.8.610).
17. Issuance of this permit does not release the USFWS from liability for any impacts from burning (ARM 17.8.610).

**B. Seasonal Restrictions**

1. This permit is valid for burns in Flathead County only during the fall burning season (September, October, and November). Before open burning in Flathead County during the remainder of the year, the USFWS shall obtain an open burning permit from the Flathead City-County Health Department (ARM 17.8.610).
2. This permit is valid for burns in Missoula County only during the fall burning season (September, October, and November). Before open burning in Missoula County during the remainder of the year, the USFWS shall obtain an open burning permit from the Missoula City-County Health Department (ARM 17.8.610).
3. This permit is valid for burns in Impact Zone L (Lincoln County) only during the fall burning season (September, October, and November). Before open burning in Impact Zone L during the remainder of the year, the USFWS shall obtain an open burning permit from the Lincoln County Health Department (ARM 17.8.610).

**C. General Conditions**

**1. Inspection**

The recipient shall allow the Department's representatives access to the source at all reasonable times for the purpose of making inspections or surveys, collecting samples, obtaining data, and otherwise conducting all necessary functions related to this permit.

**2. Waiver**

The permit and all the terms, conditions, and matters stated herein shall be deemed accepted if the recipient fails to appeal as indicated below.

**3. Compliance with Statutes and Regulations**

Specific listing of requirements, limitations, and conditions contained herein does not relieve the applicant from compliance with all applicable statutes and administrative regulations, including amendments thereto, nor waive the right of the Department to require compliance with all applicable statutes and administrative regulations, including amendments thereto.

4. Enforcement

Violations of limitations, conditions and requirements contained herein may constitute grounds for permit revocation, penalties or other enforcement as specified in Section 75-2-401 *et seq.*, Montana Code Annotated (MCA).

5. Appeals

Any person or persons jointly or severally adversely affected by the Department's decision may request, within 15 days after the Department renders its decision, upon affidavit setting forth the grounds therefore, a hearing before the Board of Environmental Review (Board). A hearing shall be held under the provisions of the Montana Administrative Procedures Act. The Department's decision on the application is not final unless 15 days have elapsed and there is no request for a hearing under this section. The filing of a request for a hearing postpones the effective date of the Department's decision until the conclusion of the hearing and issuance of a final decision by the Board.

6. Permit Inspection

As required by ARM 17.8.716, Inspection of Permit, a copy of the air quality permit shall be made available for inspection by Department personnel at the location of the permitted source.

7. Permit Fees

Pursuant to Section 75-2-220, MCA, as amended by the 1991 Legislature, an air quality MOB permit application is incomplete until the proper air quality MOB permit application fee is received by the Department, as required by that section and rules adopted thereunder by the Board.